

[CHAPTER 348]

AN ACT

To regulate the interstate transportation of black bass and other game fish, and for other purposes.

July 30, 1947

[S. 682]

[Public Law 258]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to regulate the interstate transportation of black bass, and for other purposes", approved May 20, 1926, as amended, is hereby further amended to read as follows:

"That when used in this Act the word 'person' includes company, partnership, corporation, association, and common carrier, and the term 'game fish' shall mean black bass and such other fish as are defined as game fish by the laws of the State, Territory, or the District of Columbia, in which the fish has been either caught, killed, taken, sold, purchased, or possessed, or from which it was transported.

"SEC. 2. It shall be unlawful for any person to deliver or knowingly receive for transportation, or knowingly to transport, by any means whatsoever, from any State, Territory, or the District of Columbia, to or through any other State, Territory, or the District of Columbia, or to or through any foreign country, any black bass or other game fish, if (1) such transportation is contrary to the law of the State, Territory, or the District of Columbia from which such black bass or other game fish is or is to be transported, or is contrary to other applicable law, or (2) such black bass or other game fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State, Territory, or the District of Columbia in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported or contrary to other applicable law; and no person shall knowingly purchase or receive any such black bass or other game fish which has been transported in violation of the provisions of this Act; nor shall any person receiving any shipment of black bass or other game fish transported in interstate commerce make any false record or render a false account of the contents of such shipment.

"SEC. 3. Any package or container containing such game fish transported or delivered for transportation in interstate commerce, except any shipment covered by section 9, shall be clearly and conspicuously marked on the outside thereof with the name 'Game Fish', an accurate statement of the number of each species of such fish contained therein, and the names and addresses of the shipper and consignee.

"SEC. 4. All such black bass or other game fish transported into any State, Territory, or the District of Columbia for use, consumption, sale, or storage therein shall upon arrival in such State, Territory, or the District of Columbia be subject to the operation and effect of the laws of such State, Territory, or the District of Columbia to the same extent and in the same manner as though such fish had been produced in such State, Territory, or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"SEC. 5. The Secretary of the Interior is authorized (1) to make such expenditures, including expenditures for personal services at the seat of government and elsewhere, and for cooperation with local, State, and Federal authorities, including the issuance of publications, and necessary investigations, as may be necessary to execute the functions imposed upon him by this Act and as may be provided for by Congress from time to time; and (2) to make such regulations as he deems necessary to carry out the purposes of this Act. Any person violating any such regulation shall be deemed guilty of a violation of this Act.

Interstate transportation of black bass.

44 Stat. 576.
16 U. S. C. §§ 851-855.

"Person."

"Game fish."

Unlawful acts.

Marking of package.

Post, p. 518.

Application of State laws, etc.

Expenditures.

Regulations.

Powers of employee
authorized to enforce
provisions.

"SEC. 6. (a) Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this Act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made in pursuance of this Act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; (2) shall have power to execute any warrants or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made in pursuance thereof; and (3) shall have authority with a search warrant issued by an officer or court of competent jurisdiction, to make search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

Issuance of war-
rants.

Seizure and forfei-
ture.

"(b) All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this Act, or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of the Interior shall be regulations prescribe, and shall, as a part of the penalty and in addition to any fine or imprisonment imposed under section 7 of this Act, be forfeited by such court to the United States upon conviction of the offender under this Act, or upon judgment of the court that the same were transported, delivered, purchased, or received in violation of this Act or regulations made pursuant thereto.

Penalty.

"SEC. 7. In addition to any forfeiture herein provided, any person who shall violate any of the provisions of this Act shall, upon conviction thereof, be punished by a fine of not exceeding \$200, or imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court.

State laws, etc.

"SEC. 8. Nothing in this Act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this Act, or from making or enforcing laws or regulations which shall give further protection to black bass and other game fish.

Shipment for breed-
ing purposes, etc.

"SEC. 9. Nothing in this Act shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes.

Nonapplicability.

"SEC. 10. The provisions of this Act as relating to game fish shall not apply to steelhead trout (*salmo gairdnerii*) legally taken in the Columbia River between the States of Washington and Oregon."

Approved July 30, 1947.

[CHAPTER 349]

AN ACT

To authorize the issuance of a special series of commemorative stamps in honor of Gold Star Mothers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to prepare for issuance at as early a date as practicable, a special series of 3-cent postage stamps, of such design as he shall prescribe, in honor and commemoration of Gold Star Mothers.

Approved July 30, 1947.

July 30, 1947

[S. 1180]

[Public Law 259]